IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY FIRST DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 8891 of 2005

Between:

B. Yadaiah, S/o. Mutyalu, Conductor,
Hasthinapur, Hyderabad.

..... PETITIONER

AND

The Depot Manager, APSRTC, Shadnagar,
Mahaboobnagar District.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to to issue a Writ, Order or directions, more in the nature of Writ of Mandamus, declaring the Office Order dt. 28-5-1998 as illegal and arbitrary and set aside the same with all consequential benefits including arrears and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner:MR.P.GOVINDA RAJULU

Counsel for the Respondent: MR.P.VINAYAKA SWAMY (SC FOR APSRTC)

The Court at the admission stage made the following O R D E R:

The petitioner was appointed as Conductor in the respondent-Corporation. While so, the petitioner was issued a charge sheet dated 08.05.1998 alleging certain cash and ticket irregularities. He submitted his explanation. The respondent, without conducting any enquiry, passed the final order on 28.05.1998 imposing the penalty of deferment of increment for a period of six months, which shall have effect on future increments of the petitioner. Hence this writ petition.

The petitioner contends that imposing the punishment of postponement of increments with cumulative effect is a major penalty and the same cannot be imposed without conducting any enquiry.

It is well settled that denial of increments with cumulative effect tantamount to a major penalty, and such penalty cannot be imposed by the disciplinary authority without holding any enquiry.

Accordingly, the writ petition is disposed of modifying the punishment imposed on the petitioner to that of deferment of increment for a period of six months, which shall not have the effect of postponing the future increments. By virtue of this order, petitioner is not entitled for any monetary benefits from the date of punishment till this date. But, however, he is entitled for increments on notional calculation. No order as to costs.

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(K.C.BHANU,J)

Dt:19th April, 2005

usd

To

1 The Depot Manager, APSRTC, Shadnagar,
Mahaboobnagar District.

2 Two CD copies.